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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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JONES DAY 222 E.41ST STREET NEW YORK, NY 10017			EXAMINER RUTLEDGE, AMELIA L	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/911,293

Applicant(s)

SULL ET AL.

Examiner

AMELIA RUTLEDGE

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 89-106 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 89-106 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to: Amendment, filed 02/05/2008.
2. Claims 89-106 are pending. Claims 89, 93, and 99 are independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 93-96, 98-104, and 106 are rejected under 35 U.S.C. 102(b) as being anticipated by Swenson et al. ("Swenson"), U.S. Patent No. 6,064,380, issued May 16, 2000.**

Regarding independent claim 93, Swenson teaches *a method of generating a multimedia bookmark, comprising: selecting a multimedia file; playing the selected file*; Swenson teaches selecting and playing a multimedia file (col. 4, l. 17-61).

Swenson teaches *invoking an add-bookmark command corresponding to a particular location in the selected file*; Figures 3 and 4 of Swenson disclose invoking a save command to add a bookmark by saving a stop position location within a multimedia file (Fig. 3, Fig. 4, elements 413-425; col. 4, l. 65-col. 5, l. 23).

Swenson teaches *generating a bookmark in response to the add-bookmark command, said bookmark containing the following two pieces of information each used for identifying said particular location within said multimedia file: positional information*

and content information; because Swenson teaches positional information by saving a stop position within a multimedia file (Fig. 3, Fig. 4, elements 413-425; col. 4, l. 65-col. 5, l. 23), and content information by generating a default title and designation (col. 5, l. 39-51). Swenson teaches that the default designation may include such metadata and content information as an identifier for the multimedia file and a date (col. 5, l. 39-43).

Swenson teaches *generating a title or image representing said bookmark*; because Swenson discloses generating a default title and designation (col. 5, l. 39-51). Swenson teaches that the default designation may include such metadata and content information as an identifier for the multimedia file and a date (col. 5, l. 39-43).

Swenson discloses *linking said title or image to said bookmark*; because Swenson teaches associating the title with the position within the multimedia file (Claim 1; col. 4, l. 65-col. 5, l. 23).

Swenson discloses *storing said bookmark; and displaying at the user location said title or image representative of the stored bookmark* (col. 4, l. 65-col. 5, l. 23).

Regarding dependent claim 94, Swenson teaches *wherein said positional information comprises one or more of a URI, a URL, an elapsed time, or a time code*, because Swenson teaches that saving the position maybe determined by a time position, i.e., time code (col. 5, l. 44-51, especially l. 47-48).

Regarding dependent claim 95, Swenson teaches *wherein said content information comprises one or more of an image, a captured frame, a thumbnail image of*

a captured frame, audio data, or a string of characters, because Swenson teaches that content information comprises a string of characters comprising an identifier for the multimedia file and a date (col. 5, l. 39-43).

Regarding dependent claim 96, Swenson teaches *wherein said metadata information contains one or more of the following: starting frame number and duration, starting frame number and finishing frame number, title, keyword, annotation, key frame, and offset information correlating said particular location in a master file with the same location in one or more slave files*, because Swenson teaches that the metadata information contains an annotation of the date, i.e., that the default designation may include such metadata and content information as an identifier for the multimedia file and a date (col. 5, l. 39-43). Swenson discloses that the user may enter metadata such as a user designated title, which is an annotation (col. 5, l. 7-24).

Regarding dependent claim 98, Swenson discloses *wherein said multimedia file is stored on a server, said method additionally comprising downloading said selected file from said server, and playing said selected file either during or after downloading*, at col. 3, l. 33-col. 4, l. 61, because Swenson teaches downloading a multimedia file from an internet server.

Regarding independent claim 99, Swenson teaches *a system for enabling access to a particular location within a multimedia file, comprising: a memory device for*

storing a multimedia bookmark, because Figures 3 and 4 of Swenson disclose storing a bookmark by saving a stop position location within a multimedia file (Fig. 3, Fig. 4, elements 413-425; col. 4, l. 65-col. 5, l. 23) on a memory device (col. 5, l. 44-57).

Swenson discloses *the multimedia bookmark comprising the following two pieces of information each used for identifying a bookmarked position within a multimedia file: position information and content information*; because Swenson discloses that the multimedia bookmark comprises position information by saving a stop position within a multimedia file (Fig. 3, Fig. 4, elements 413-425; col. 4, l. 65-col. 5, l. 23), and content information by generating a default title and designation (col. 5, l. 39-51). Swenson teaches that the default designation may include such content information as an identifier for the multimedia file and a date (col. 5, l. 39-43).

Swenson teaches *means for invoking said multimedia bookmark*; because Swenson teaches that a user may select the multimedia bookmark from a list of bookmarks displayed on the screen (col. 5, l. 17-24).

Swenson teaches *a search mechanism responsive to said information in said multimedia bookmark for enabling access to said particular location within said multimedia file without accessing the beginning of said multimedia file*, because Swenson teaches locating and accessing the position within the multimedia file that is saved in the multimedia bookmark (Fig. 3, Fig. 4, elements 413-425; col. 4, l. 65-col. 5, l. 62).

Regarding dependent claim 100, Swenson teaches *wherein said search mechanism identifies a plurality of locations in said multimedia file in response to said bookmark*, because Swenson discloses saving a refresh rewind of a predetermined length from the saved position to refresh a user with the content, thus identifying an additional location in the multimedia file in response to the bookmark (col. 2, l. 23-41; col. 5, l. 12-16).

Regarding dependent claim 101, Swenson teaches *an access mechanism for reading the multimedia file beginning at said particular location identified by said search mechanism*, because Swenson discloses accessing the beginning of the bookmarked location of a file (col. 5, l. 43-61).

Regarding dependent claims 102-104, claims 102-104 are directed to substantially similar subject matter as claimed in dependent claims 94-96, and are rejected along the same rationale.

Regarding dependent claim 106, Swenson teaches *wherein said annotation includes annotated text created by a user*, because Swenson also discloses that the user may enter metadata such as a user designated title (col. 5, l. 7-24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 89-92 and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swenson, in view of Gupta et al. ("Gupta"), U.S. Patent No. 6,956,593 B1, issued October 2005, filed September 1999.

Regarding independent claim 89, Swenson teaches *a method of generating a multimedia bookmark comprising: selecting a particular location within a multimedia file*; Figures 3 and 4 of Swenson disclose generating a bookmark by saving a stop position within a multimedia file (Fig. 3, Fig. 4, elements 413-425; col. 4, l. 65-col. 5, l. 23).

Swenson teaches *generating a title or image representing said particular location*; Figure 4, element 423 of Swenson discloses generating a default title (col. 5, l. 39-51).

Claim 89 recites: *generating in addition to said title or image, the following two pieces of information each used for identifying the position of said particular location within said multimedia file: positional information and content information*; Swenson teaches identifying positional information by saving a stop position within a multimedia file (Fig. 3, Fig. 4, elements 413-425; col. 4, l. 65-col. 5, l. 23). However, Swenson does not explicitly teach content information used for identifying the position of said particular

location within said multimedia file, in addition to the title. Gupta teaches content information used for identifying the position of said particular location within said multimedia file, in addition to a title, because Gupta teaches a system for multimedia annotation for identifying the position of a particular location within a multimedia file having title, time range, and sequence identifiers, for example, as well as a media content identifier field having an address (Fig. 4; col. 7, l. 26-col. 10, l. 36, especially col. 9, l. 25-50).

Swenson discloses *linking said title or image to said information identifying said particular location; and storing said generated information*, because Swenson teaches associating the title with the position within the multimedia file (Claim 1; col. 4, l. 65-col. 5, l. 23).

Both Swenson and Gupta are directed to multimedia annotations. It would have been obvious and desirable to combine the multimedia bookmark disclosed by Swenson with the detailed interface disclosed by Gupta, in order to develop a coherent interface to ensure a high quality user experience in creating and viewing annotations for multimedia presentation (Gupta, col. 2, l. 10-15), thereby allowing the user extended features and functionality in creating and generating annotations.

Regarding dependent claim 90, Swenson teaches *wherein said positional information comprises one or more of a URI, a URL, an elapsed time, or a time code*, because Swenson teaches that saving the position maybe determined by a time position, i.e., time code (col. 5, l. 44-51, especially l. 47-48).

Regarding dependent claim 91, Swenson teaches *wherein said content information comprises one or more of an image, a captured frame, a thumbnail image of a captured frame, audio data, or a string of characters*, because Swenson teaches that content information comprises a string of characters comprising an identifier for the multimedia file and a date (col. 5, l. 39-43).

Regarding dependent claim 92, Swenson teaches *wherein said metadata information contains one or more of the following: starting frame number and duration, starting frame number and finishing frame number, title, keyword, annotation, key frame, and offset information correlating said particular location in a master file with the same location in one or more slave files*, because Swenson teaches that the metadata information contains an annotation of the date, i.e., that the default designation may include such metadata and content information as an identifier for the multimedia file and a date (col. 5, l. 39-43). Swenson discloses that the user may enter metadata such as a user designated title, which is an annotation (col. 5, l. 7-24).

Regarding dependent claim 105, Swenson teaches *wherein said annotation includes annotated text created by a user*, because Swenson also discloses that the user may enter metadata such as a user designated title (col. 5, l. 7-24).

6. Claim 97 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swenson in view of Katz, et al. ("Katz"), U.S. Patent No. 6,356,971 B1, filed March 1999, issued March 2002.

Regarding dependent claim 97, which depends from claim 93, while Swenson teaches the limitations of claim 93, Swenson does not explicitly teach *wherein said content information comprises a thumbnail image of a captured frame, and wherein said representative of the stored bookmark is said thumbnail image*. However, Katz teaches a system to allow bookmarks to a location within a multimedia file to be displayed and browsed visually as thumbnails (col. 3, l. 46-51; Fig. 4A). Katz further discloses that the use of thumbnails to navigate multimedia files was well known in the art at the time of the invention (col. 1, l. 42-51).

Both Swenson and Katz are analogous art, since both are directed to the management and display of multimedia files. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the use of a thumbnail image to represent a stored bookmark disclosed by Katz to the multimedia bookmark disclosed by Swenson which allowed the viewing of a multimedia file on the internet, in order to provide an application that allows the user to build, preview, and operate on collections of links or bookmarks to specific files or tracks (Katz, col. 2, l. 24-33).

Response to Arguments

Applicant's arguments filed 02/05/2008 have been fully considered but they are not persuasive. It is the examiner's opinion that applicant's amendments to

independent claims 93 and 99, and dependent claims 92, 96, and 104 do not distinguish the claimed invention from the Swenson reference, and therefore the claim rejections should be maintained.

Applicant's arguments with respect to amended independent claim 89 (Remarks, p. 6-8) have been considered but are moot in view of the new ground(s) of rejection. The new grounds of rejection includes the Gupta patent, which is being relied upon to teach the newly claimed limitations of claim 89, (content information used for identifying the position of said particular location within said multimedia file, in addition to a title), because Gupta teaches a system for multimedia annotation for identifying the position of a particular location within a multimedia file having title, time range, and sequence identifiers, for example, as well as a media content identifier field having an address (Fig. 4; col. 7, l. 26-col. 10, l. 36, especially col. 9, l. 25-50).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMELIA RUTLEDGE whose telephone number is (571)272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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AR

/Doug Hutton/

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